

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY eg D.C.
05 NOV -3 PM 5:01
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN - MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

⁰⁵
No. ~~03~~-20077 B

05-20070 B ✓

VERONDA JACKSON,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO DISMISS INDICTMENTS

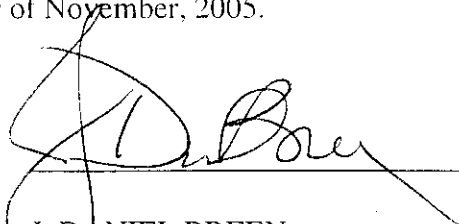
Before the Court is the October 28, 2005 motion of the Defendant, Veronda Jackson, to dismiss her indictments in the above referenced matters. On March 8, 2005, two separate indictments were issued charging Jackson with violation of 21 U.S.C. § 841(a)(1), possession with intent to distribute and distribution of a controlled substance, for distribution of cocaine base and oxycontin, both of which are Schedule II narcotics. Based on a review of discovery provided by the government, Jackson alleges that "the United States did not present the grand jury with credible evidence from which an indictment could be returned," and, on this basis, requests that her indictments be dismissed. (Def.'s Mot. ¶ I.)

An indictment valid on its face is not subject to challenge on the grounds that the grand jury acted on insufficient evidence. See United States v. Arana, 13 F.Supp.2d 613, 614 (E.D. Mich. 1998), aff'd, 2002 WL 31269661 (6th Cir. Oct. 9, 2002), cert. denied, 537 U.S. 1076, 123 S.Ct. 667, 154 L.Ed.2d 574 (2002). As Plaintiff does not allege any deficiency with the indictments,¹ nor is

¹ Defendant has not alleged that the indictments did not include the elements of the offense intended to be charged, failed to notify her of what she must be prepared to meet, or did not permit her to

the Court aware of any, her motion must be DENIED.

IT IS SO ORDERED this 31 day of November, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

invoke a former conviction or acquittal in the event of a subsequent prosecution. See United States v. Cor-Bon Custom Bullet Co., 287 F.3d 576, 579 (6th Cir.), cert. denied, 537 U.S. 880, 123 S.Ct. 90, 154 L.Ed.2d 136 (2002).



Notice of Distribution

This notice confirms a copy of the document docketed as number 49 in case 2:05-CR-20070 was distributed by fax, mail, or direct printing on November 4, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT